

Defense counsel raised the following points: (1) Defendant's participation in the conspiracy was minimal; namely, according to Defendant, he only fired his handgun after first

being fired at by the informant; (2) he is twenty-three years old and has no criminal record aside from traffic violations; (3) prior to the initiation of this matter, he held a stable job working for a beer distributor; (4) his employer would not hold his position, but he could work for a family member upon release; (5) he has been in a stable relationship with his girlfriend and they have a child together; and (6) his mother and step-dad live in the area. Defense counsel argued that if he were to be released his parents would have a place for him to stay and that Defendant would agree to the most stringent conditions.

Counsel for the government noted a disagreement in the facts asserted by defense counsel and stated that Defendant did not qualify for release under § 3145(c). Counsel for the government also noted that there are safety concerns for a confidential information.

Magistrate Judge Keelser found that the answer to this issue was clear and this Court agrees. Defense counsel asks this Court to consider whether release is appropriate under § 3145(c). Under § 3145(c), this Court may release defendant “if it is clearly shown that there exceptional reasons why such person’s detention would not be appropriate.” 18 U.S.C. § 3145(c); *see United States v. Vilaiphone*, No. CRIM 3:08CR232, 2009 WL 412958, at *2 (W.D.N.C. Feb. 18, 2009) (detailing what constitutes “exceptional reasons”). The Court finds the Defendant’s circumstances, as alleged, are ordinary, rather than extraordinary.

Accordingly, the Court **AFFIRMS** the detention order and finds that the circumstances presented by Defendant do not constitute exceptional reasons to justify pre-sentencing release under the provisions of 18 U.S.C. § 3145(c).

SO ORDERED.

Signed: November 19, 2015



Richard L. Voorhees
United States District Judge

